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2 **UNITED STATES DISTRICT COURT**

3 **DISTRICT OF NEVADA**

4 Lewis Abdul Kalim Sibomana,

5 Petitioner,

6 v.

7 Luis Rosa Jr., Nevada Southern Detention
Center Warden, *et al.*,

8 Respondent.
9

Case No.: 2:23-cv-00120-JAD-VCF

**Order Directing Service of Filings and
Ordering Respondents to Respond to
Motion for TRO by 2/13/2023**

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11 Petitioner Lewis Abdul Kalim Sibomana, a federal prisoner at the Nevada Southern
12 Detention Center, petitions for a writ of habeas corpus under 28 U.S.C. § 2241¹ and moves for a
13 temporary restraining order (TRO).² In compliance with my last order,³ Sibomana paid the
14 filing fee,⁴ so, I direct the Clerk of Court to file the petition as a separate docket entry.

15 Sibomana alleges that he has been detained by U.S. Immigration and Customs
16 Enforcement without a bond hearing for more than sixteen months. He contends that his
17 continued confinement without an individualized determination as to his risk of flight and
18 dangerousness violates the Due Process Clause of the Fifth Amendment. In his motion for a
19 TRO, he claims that he is in extreme pain due to a metal plate in his right leg and will suffer
20 irreparable harm if preliminary relief is not granted.

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¹ ECF No. 1-1.

22 ² ECF No. 3.

23 ³ ECF No. 4.

⁴ ECF No. 5.

1 Having conducted an initial review of Sibomana's petition and motion, I find that a
2 response to the motion is warranted, so I direct service of the petition and motion on respondents
3 and require them to respond to the motion by February 13, 2023. I will schedule additional
4 proceedings, as appropriate, when I decide the motion.

5 **IT IS THEREFORE ORDERED** that Clerk of Court is directed to **FILE** the petition
6 for writ of habeas corpus (ECF No. 1-1) as a separate docket entry, and to **SERVE** copies of the
7 petition, the motion for TRO (ECF No. 3, pages 1-5, only), and this order upon respondents as
8 follows:

9 1. By having the United States Marshal serve copies of the documents on the United
10 States Attorney for the District of Nevada or on an Assistant United States Attorney or clerical
11 employee designated by the United States Attorney pursuant to Rule 4(i)(1)(A) of the Federal
12 Rules of Civil Procedure.

13 2. By sending copies of the documents by registered or certified mail to the following:
14 (1) Merrick Garland, Attorney General of the United States, Department of Justice, 950
15 Pennsylvania Ave. NW, Washington, DC 20530; (2) the Honorable Alejandro Mayorkas,
16 Secretary of the U.S. Department of Homeland Security, Washington, DC 20528; and (3) Kerri
17 Ann Quihuis, Field Office Director, United States Immigration and Customs Enforcement, 501
18 Las Vegas Blvd. S., Las Vegas, Nevada, 89101.

19 **IT IS FURTHER ORDERED** that the Clerk is directed to **ADD** Blaine Welsh, U.S.
20 Attorney's Office, (Blaine.Welsh@usdoj.gov) as counsel for the respondents and **electronically**
21 **provide** him a copy of the motion for a TRO with attachments (ECF No. 3).
22
23

1 **IT IS FURTHER ORDERED** that respondents must file a response to the motion for a
2 TRO (ECF No. 3) by February 13, 2023. Petitioner will then have until February 20, 2023, to
3 file a reply brief.

4 Dated: February 2, 2023

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U.S. District Judge Jennifer A. Dorsey